

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ARTEMIS COFFIN, GEORGE BAKER,
DARRELL FLANDERS, JAMES MINGO,
TERRENCE LYON, HAROLD SMITH,
ROBERT DEWITT, DUANE L. HANSCOM,
JOSEPH GAGLIARDI JR., TRINA VAZNIS,
RAYMOND MACDONALD, ROBERT P.
HEALEY, BARRY BRYANT, LEE
WHEATON and GALEN M. LANDER,

Individually and as Representatives of a class
of all persons similarly situated,

Plaintiffs

v.

Civil No. 03-227-B-C

BOWATER INCORPORATED, GROUP
PROTECTION FOR EMPLOYEES OF
BOWATER INCORPORATED – GREAT
NORTHERN PAPER, INC. DIVISION,
BOWATER INCORPORATED POINT OF
SERVICE MEDICAL BENEFITS PLAN,
BOWATER INCORPORATED POINT OF
SERVICE MEDICAL PLAN, BOWATER
INCORPORATED BENEFIT PLAN and
BOWATER LIFE INSURANCE PLAN,

Defendants

This action is brought by former employees of lumber and paper plants in the Maine towns of Millinocket, East Millinocket, and Nashville Plantation. Plaintiffs allege they were receiving company-paid health coverage from Great Northern Paper, Inc. (“GNP”) prior to its 2003 bankruptcy. Plaintiffs contend that the former owner of GNP, Bowater, Inc., and various

employee health and welfare benefit plans sponsored by Bowater are now liable to the former employees for health and welfare benefits. Specifically, Plaintiffs assert claims invoking the Employee Retirement Income and Security Act, 29 U.S.C. §§ 1001, *et seq.*, and the Labor Management Relations Act, 29 U.S.C. §§ 141, *et seq.* Defendants deny all alleged liability.

On June 21, 2005, the Court certified the following class:

General Class. All persons who:

- (1) were receiving company-paid health coverage from Great Northern Paper, Inc. (“GNP”) prior to its 2003 bankruptcy, because (i) they had retired on pension when GNP was under the ownership of Bowater between January 1, 1992, and August 17, 1999, or in a short window period after the sale of GNP, extending to October 1, 1999; (ii) they were eligible spouses or dependents of such retirees; or (iii) their former spouse had died as an employee at GNP when it was under Bowater ownership—and any individuals who became eligible spouses or dependents of such retirees after the bankruptcy, and
- (2) submitted a claim for benefits to Bowater on or before June 21, 2005, unless that person received at least one denial letter from Bowater prior to December 23, 2004, and did not file at least one appeal with Bowater within 180 days of receiving such a pre-December 23, 2004, denial letter.

Subclass A: Those individuals who meet the criteria of paragraph (1) of the general class by reason of a retirement or a death of a union-represented employee that occurred before August 17, 1999.

Subclass B: Those individuals who meet the criteria of paragraph (1) of the general class by reason of a retirement or a death of a union-represented employee that occurred after August 17, 1999.

For more information, contact counsel of record.

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